

UNITED STATES OF AMERICA : CRIMINAL NO.  
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 V. : PLEA AGREEMENT  
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 RUSSELL E. ROBERTS :

1. The defendant will waive indictment by the grand jury and plead guilty to an Information charging one count of interstate transportation of stolen property in violation of 18 U.S.C. § 2314 (maximum penalty: ten years imprisonment, three years of supervised release, a fine of the greater of \$250,000.00 or twice the loss or gain, restitution, forfeiture, and a \$100.00 mandatory special assessment) and one count of causing false statements to be made to the Federal Election Commission in violation of 18 U.S.C. § 1001 (maximum penalty: five years imprisonment, three years of supervised release, a fine of the greater of \$250,000.00 or twice the loss or gain, restitution, forfeiture, and a mandatory \$100.00 special assessment).

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defendant understands that if the defendant makes any statement that is materially false in whole or in part or otherwise fails to comply with any term of this Agreement, the United States has the right to declare this Agreement void and to prosecute the defendant to the full extent of the law. If this Plea Agreement or the defendant's conviction upon his guilty plea is voided for any reason, the defendant waives any statute of limitations with respect to the United States prosecuting him for any offense arising from his conduct in this case.

3. The defendant will give complete cooperation to law enforcement authorities and others regarding his activities and those of others in relation to the offense of conviction and other matters. The United States and the defendant agree that this complete cooperation includes, but is not limited to, giving complete and truthful statements and testimony before grand jury and at trial. The defendant's complete cooperation is subject to U.S.S.G. § 1B1.1.

4. In exchange for the defendant's plea of guilty and complete cooperation, the United States Attorney for the Southern District of Ohio agrees that he will not file any additional charges against the defendant based on the defendant's conduct as described in the Information and Statement of Facts. This Agreement does not protect the defendant from prosecution for

perjury, false statement, obstruction, or any other conduct after the date of this Agreement.

5. No promises have been made to the defendant that he will receive probation or that he will receive a lighter sentence on account of his plea of guilty.

6. The defendant understands that sentence will be imposed pursuant to the Sentencing Reform Act and the Sentencing Guidelines.

7. The parties hereby state, pursuant to Sentencing Guideline § 6B1.2(a), that the charges to which the defendant is pleading guilty adequately reflect the seriousness of the readily provable actual offense behavior and that the acceptance of the Agreement by the Court will not undermine the statutory purposes of sentencing.

8. The parties understand that they have the right to appeal any sentence for which appeal is authorized by 18 U.S.C. § 3742.

9. The defendant understands that the matter of sentence is reserved solely to the District Court and that the Court could impose the maximum penalty. No promises or representations have been made to the defendant as to what sentence the Court will impose.

10. The defendant agrees to pay the special assessments to the Clerk of the United States District Court no later than the

date set by the Court for the Final Presentence Report and to provide proof of that payment to the United States Attorney's Office before sentencing.

11. The defendant understands the following: That only the United States Attorney, in his sole discretion, may apply for a downward departure from the Guideline sentence pursuant to Sentencing Guideline § 5K1.1 and that only the United States Attorney may, within one year of sentencing and at the sole discretion of the United States Attorney, file a motion for reduction of sentence pursuant to Rule 35(b) of the Federal Rules of Criminal Procedure, to reflect substantial assistance to the United States subsequent to sentencing.

12. By signing this document, the defendant acknowledges the truth of the attached Statement of Facts.

13. The United States agrees that it will recommend that the defendant be provided credit for acceptance of responsibility pursuant to Section 3E1.1 of the Sentencing Guidelines, based upon the defendant's recognition and affirmative and timely acceptance of personal responsibility. The United States, however, will not be required to make this recommendation if any of the following occurs: (1) the defendant fails or refuses to make a full, accurate, and complete disclosure to the United States Attorney or U.S. Probation of the circumstances surrounding the relevant offense conduct and his present

financial condition; (2) the defendant is found to have misrepresented facts to the United States prior to entering the Agreement; (3) the defendant commits any misconduct after entering into this Agreement, including, but not limited to, committing a state, federal, local, or other offense, violating any term of release, or making a false statement or misrepresentation to any government entity or official; or (4) the defendant fails to comply with any of the terms of this Agreement.

14. The parties stipulate that the amount of loss for Guidelines purposes is \$617,562.88. The United States and the defendant do not agree to or recommend to the Court any other Guidelines calculation. Additionally, the parties do not agree or recommend to the Court any aspect of the defendant's criminal history. The defendant fully understands that, after investigation and review, the Court may determine that the offense factors and recommendations listed anywhere in this Agreement are not appropriate and is not obligated to accept such. In that event, the defendant fully understands that he shall not have the right to withdraw his guilty plea.

15. In the event that the defendant does not plead guilty or is permitted to withdraw his plea of guilty, the defendant agrees and understands that he thereby waives any protection afforded by Section 1B1.8(a) of the Sentencing Guidelines and

Rule 11(e)(6) of the Federal Rules of Criminal Procedure, and that any statements made by him as part of the plea discussions, as part of the presentence investigation process, or as part of his cooperation with the United States will be admissible against him, without any limitation, in any civil or criminal proceeding.

16. This written Agreement embodies all of the agreements and understandings between the United States Attorney for the Southern District of Ohio and the defendant. No conversations, discussions, understandings, or other documents outside this Agreement shall be considered part of this Agreement.

GREGORY G. LOCKHART  
United States Attorney

KATHLEEN M. BRINKMAN (0016269)  
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221 East Fourth Street, Suite 400  
Cincinnati, Ohio 45202  
(513) 684-3711

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DATE

RUSSELL E. ROBERTS  
Defendant

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DATE

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2000 URS Building  
36 East Seventh Street  
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(513) 929-4834  
Attorney for Defendant

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DATE